

## **REMARKS**

### **Overview**

These remarks are set forth in response to the Non-Final Office Action. Presently, claims 1, 3, 4, 6, 7, 9-11, 13, 14, 16 and 18-38 are pending in the Patent Application. Claims 1, 4, 6, 10, 13, 16, 18, 29, 32, and 38 are independent in nature. Favorable reconsideration and allowance of the pending claims are respectfully requested.

Although Applicant disagrees with the broad grounds of rejection set forth in the Office Action, Applicant has amended claims 1, 4, 6, 10, 13, 16, 18, 29, 32, and 38 in order to facilitate prosecution on the merits. Support for the above amendments can be found in the specification at least at paragraphs 0020, 0026, and 0035 and at figure 2. As such, no new matter has been added.

### **35 U.S.C. § 101 – Non-Statutory Subject Matter**

Claims 1, 3-4, 6-7, 9-11, 13-14, 16 and 29-37 stand rejected under 35 U.S.C. § 101 as being claimed invention is indicated to be directed to non-statutory subject matter. Applicant respectfully traverses the rejection based on the above amendments. According to the Office Action, “the claimed nodes include general purpose computers.” However, Applicant respectfully submits that the language “a remotely readable and writeable remote discovery register”, at least, distinguishes the claimed subject matter from a general purpose computer. While a general purpose computer may include registers, Applicant respectfully submits that they would not necessarily contain a remote discovery register that may be remotely read-to and written-from through remote operations. Instead, in a general purpose computer, remote operations have no specific means of manipulating the contents of a register. Rather, the contents of those registers, such as the ones present in digital processors, are changed automatically through the computational actions of the processor. Nor will those registers have specific roles such as “a remote discovery register”. As such, the presence of this language, at least,

indicates a particular apparatus to which the claimed subject matter is tied.  
Consequently, Applicant respectfully requests removal of this rejection.

**35 U.S.C. § 103**

Claims 1, 3, 4, 6, 7, 9-11, 18, 19, 21-24, 27, 29, 30, 31 and 38 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over United States Patent No. 6,631,141 to Kumar et al. (hereinafter “Kumar”) in view of United States Patent No. 5,959,968 to Chin et al. (hereinafter “Chin”) and United States Publication No. 2004/0068686 to Palm (hereinafter “Palm”). Applicant respectfully traverses the rejection, and requests reconsideration and withdrawal of the rejection.

Claims 13, 14, 16 and 32-37 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over United States Patent No. 6,631,141 to Kumar et al. (hereinafter “Kumar”) in view of United States Patent No. 5,959,968 to Chin et al. (hereinafter “Chin”), United States Publication No. 2004/0068686 to Palm (hereinafter “Palm”) and United States Patent No. 7,308,612 to Bishara (hereinafter “Bishara”). Applicant respectfully traverses the rejection, and requests reconsideration and withdrawal of the rejection.

Claims 20, 26 and 28 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over United States Patent No. 6,631,141 to Kumar et al. (hereinafter “Kumar”) in view of United States Patent No. 5,959,968 to Chin et al. (hereinafter “Chin”), United States Publication No. 2004/0068686 to Palm (hereinafter “Palm”) as applied to claim 18, and further in view of United States Patent No. 7,308,612 to Bishara (hereinafter “Bishara”). Applicant respectfully traverses the rejection, and requests reconsideration and withdrawal of the rejection.

According to MPEP § 2143, three basic criteria must be met to establish a *prima facie* case of obviousness. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to

make the claimed combination and the reasonable expectation of success must both be found in the prior art and not based on applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991). See MPEP 706.02(j).

Applicant submits that the cited references, taken alone or in combination, fail to teach each and every element recited in claims 1, 3, 4, 6, 7, 9-11, 18, 19, 21-24, 27, 29, 30, 31 and 38 and thus they define over the cited references. For example, with respect to claim 1, the cited references fail to teach at least the following language:

sending a first message including an aggregation discovery  
code from a first node to a second node, the second node  
including a remotely readable and writeable remote  
discovery register

According to the Office Action, the above-recited language is disclosed by the Kumar. This assertion is respectfully traversed.

Applicant respectfully submits that claim 1 defines over Kumar because Kumar fails to disclose, teach or suggest at least a remotely readable and writeable remote discovery register. As provided for in the Specification, the remotely readable and writeable remote discovery register provides a significant technical advantage because the aggregation procedure can be performed entirely by operations on this register, limiting the complexity required for the device. As stated in the Office Action, this language is disclosed by Kumar at col. 6 lines 24-29. However, while Kumar does arguably disclose a process for link aggregation, Applicant respectfully submits that they can find no mention in Kumar of using a specific register that can be remotely manipulated. Instead, the messages sent in the language cited by the Office Action are likely stored in the system memory, rather than a register, of the computing device used to perform the process of Kumar, such as is described at column 4, lines 23-37. Applicant respectfully submits that the use of a specific remotely readable and writeable remote discovery register is distinct from the general practice of storing information at varying places in RAM. Furthermore, there is no indication in Kumar of any specific registers, or of those registers being able to be modified through remote read or write

operations. Consequently, the cited references, whether taken alone or in combination, fail to disclose, teach or suggest every element recited in claim 1.

Absence from the cited references of the above-mentioned claim elements negates obviousness. Accordingly, Applicant respectfully requests removal of the obviousness rejection with respect to claim 1. Furthermore, Applicant respectfully requests withdrawal of the obviousness rejection with respect to claim 3, which depends from claim 1, and therefore contains additional features that further distinguish these claims from the cited references.

Independent claims 4, 6, 10, 13, 16, 18, 29, 32, and 38 recite elements similar to those recited in claim 1. Therefore, Applicant respectfully submits that claims 4, 6, 10, 13, 16, 18, 29, 32, and 38 are not obvious and are patentable over the cited references for reasons analogous to those presented with respect to claim 1. Accordingly, Applicant respectfully requests removal of the obviousness rejection with respect to claims 4, 6, 10, 13, 16, 18, 29, 32, and 38. Furthermore, Applicant respectfully requests withdrawal of the obviousness rejection with respect to claims 7, 9, 11, 14, 19-28, 30-31, and 33-38 that depend from claims 6, 10, 13, 18, 29, 32, and 38, and therefore contain additional features that further distinguish these claims from the cited references.

### **Conclusion**

For at least the above reasons, Applicant submits that claims 1, 3, 4, 6, 7, 9-11, 18, 19, 21-24, 27, 29, 30, 31 and 38 recite novel features not shown by the cited references. Further, Applicant submits that the above-recited novel features provide new and unexpected results not recognized by the cited references. Accordingly, Applicant submits that the claims are not anticipated nor rendered obvious in view of the cited references.

Applicant does not otherwise concede, however, the correctness of the Office Action's rejection with respect to any of the dependent claims discussed above. Accordingly, Applicant hereby reserves the right to make additional arguments as may be necessary to further distinguish the dependent claims from the cited references, taken alone or in combination, based on additional features contained in the dependent claims

that were not discussed above. A detailed discussion of these differences is believed to be unnecessary at this time in view of the basic differences in the independent claims pointed out above.

It is believed that claims 1, 3, 4, 6, 7, 9-11, 18, 19, 21-24, 27, 29, 30, 31 and 38 are in allowable form. Accordingly, a timely Notice of Allowance to this effect is earnestly solicited.

The Examiner is invited to contact the undersigned at 724-933-9338 to discuss any matter concerning this application.

The Office is hereby authorized to charge any additional fees or credit any overpayments under 37 C.F.R. § 1.16 or § 1.17 to the credit card in the previously filed credit card authorization form.

Respectfully submitted,

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